

REMARKS

Applicant has considered the Office Action mailed on June 18, 2003, and the references cited therewith.

In this response, no claims were amended; as a result, claims 1-21 remain pending in this application.

§103 Rejection of the Claims

Claims 1-21 were rejected under 35 USC § 103(a) as being unpatentable over Smith (U.S. Patent 5,822,400) in view of Goode et al. (U.S. Patent 6,163,272, “Goode”) and The ABC’s of Debt Collection. Applicant respectfully traverses as follows.

The rejection asserts that the subject matter taught by Smith could be combined with Goode and The ABC’s of Debt Collection to provide the recited subject matter of claim 1; Applicant respectfully traverses this assertion and the combination of Smith in view of Goode and The ABC’s of Debt Collection on several grounds.

In contrast to the recited subject matter, Smith relates to a call record scheduling system. Applicant is unable to find in the rejection or in Smith, among other things, a teaching or suggestion of the recited authentication and defined access scheme. The rejection relied on Goode for teaching a defined access scheme and asserts that, “It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Smith with the access by the client as taught by The ABC’s of Debt Collection and plurality of access tiers with ID authentication of Goode et al., in order to allow the client to track the collection agents progress and status of their debtor’s accounts while controlling access to information for security purposes” Applicant respectfully traverses this combination and assertion because it is respectfully submitted that there is no incentive in Smith, Goode, or The ABC’s of Debt Collection to provide this combination of elements for allowing selective access by a client of a collection agency. Indeed, it is respectfully submitted that Smith teaches away from a system that incorporates remote users having separate data in a database. In contrast to the recited subject matter, Smith does not provide access to remote users having different accounts.

Further, The ABC’s of Debt Collection states, “Our automated collection system permits

two way communication between you and the collector, easy access to claim information, and the ability to review work in progress.” This is a vague statement that lacks teaching of technical information for providing such access or even what this access entails. As such, it is believed that the reference fails to provide an enabling disclosure and one skilled in the art would be unable to ascertain how such a system could operate or whether such a system could relate to the recited subject matter of claim 1.

Applicant further submits that the assertion to combine the references amounts to a form of official notice that is unsupported by a reference to teach or suggest such a combination. As such, the assertion is timely traversed under M.P.E.P. 2144.03 and a reference supporting the assertion or its withdrawal is respectfully requested in the next official communication.

In addition to the foregoing reasons for patentability, Applicant submits that The ABC's of Debt Collection is not a valid reference under 35 U.S.C. § 103(a) because the present subject matter was conceived prior to December, 1998. A declaration under 37 C.F.R. § 1.131 is attached with supporting documents to swear behind this document.

Applicant respectfully traverses the rejection and requests reconsideration and allowance of the claims in view of the arguments above, or in the alternative, in view of the declaration under 37 C.F.R. § 1.131.

Withdrawal of Finality Requested

Applicant respectfully traverses the rejection of the remaining claims and the assertion that: “All other claimed limitations are either disclosed or inherent.” Applicant respectfully submits that such a rejection is vague and lacking support and Applicant respectfully requests that the next official communication indicate allowance of the remaining claims or provide the requisite specificity and withdrawal of finality for adequate consideration on the merits.

Applicant also traverses the finality of the rejection for incorrectly stating the grounds of the rejection. For example, the rejection appears to indicate limitations no longer included in the claims after amendment and therefore is directed to different subject matter than that currently pending. Consequently, it is believed that the rejections of the final office action fail to provide a proper *prima facie* case and that finality should be withdrawn and the rejections clarified or, in the alternative, that the claims should be allowed as pending.

RESPONSE UNDER 37 C.F.R. 1.116 – EXPEDITED PROCEDURE

Serial Number: 09/435,198

Filing Date: November 5, 1999

Title: COLLECTION AGENCY DATA ACCESS METHOD

Page 4

Dkt: 1148.002US1

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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Date Oct. 17, 2003

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of October, 2003

Dawn M. Poole

Name

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Signature